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DRAFT -- (DS) December 22, 1995

PHILIP MORRIS STATEMENT ON DISMISSAL OF INDUSTRY CHALLENGE TO FDA

Today's court decision to dismiss claims brought by advertisers, thousands of retailers and the major cigarette manufacturers against the FDA's assertion of jurisdiction merely postpones the inevitable judicial review of the agency's illegal course of action. Philip Morris and the other companies will seek immediate appellate review by the Fourth Circuit Court of Appeals in Richmond.

Over and over, Congress has expressly denied the FDA authority to regulate cigarettes, and the company believes that position will prevail on appeal.

Our Constitution is based on the understanding that Congress makes the laws, the executive branch carries out those laws and the courts review the actions of the other two branches of government. The FDA, however, wants to ignore Congress, make its own law and shield itself from the scrutiny of a court. This it cannot do.

Philip Morris is confident that this case will demonstrate that the FDA's regulatory effort is in reality a first step toward an outright ban on the manufacture, sale and use of cigarettes.

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Source: https://www.industrydocuments.ucsf.edu/docs/stch0005